

Multiple Dwelling Rental License Application

If applicant is an individual, it shall be completed by such person; if a corporation, by an officer; if a partnership, by one of the general partners; if an unincorporated association, by the manager or managing officer.

1. Type of license ☐ Multiple-dwelling (No. of bldgs ____ Total No. of units ____) ☐ Housing w/services (No. of bldgs ____ Total No. of units ____)

2. Business name _____

3. Owner/officer name _____ Phone (_____) _____

Address _____
Street City County State Zip

4. Minnesota Business Tax ID Number (Per Minnesota Statute 270C.72) _____ Applicant's Social Security Number _____

Federal Business Tax ID Number _____

5. Address of rental property(s)

Street City County State Zip

Street City County State Zip

Street City County State Zip

Street City County State Zip

Name of multiple-dwelling complex/development _____

6. *Owner's designated Agent (Note: If licensee or owner of rental dwelling does not reside in the State of Minnesota counties of Hennepin, Carver, Scott, Dakota, Ramsey, Washington or Anoka, a designated agent who **does** reside in this seven county metro area **MUST** be listed.)*

Name of agent _____ Phone (_____) _____
Last First Full middle

Address _____
Street City County State Zip

All applicants must complete the attached **Certificate of Compliance MN Workers Compensation form** and **City of Bloomington Utility Billing form**.

Signature

The data on this form will be used to approve your license. Some requested data is private. Private data is available to you and the City or State staff who need this information to perform their duties, but is not available to the public. You are not legally required to provide this data, but the City may not be able to approve your license if you do not provide it.

I have received from the City of Bloomington a copy of the *Bloomington City Code, Chapter 14* and will familiarize myself with the provisions contained within.

I declare that the information I have provided on this application is truthful and I understand that falsification of answers on this application will result in denial of the application. I authorize the City of Bloomington to investigate and make whatever inquiries that are necessary to verify the information provided.

X _____

Certificate of Compliance

Minnesota Workers' Compensation Law

PRINT IN INK or TYPE.

Minnesota Statutes, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in any activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minnesota Statutes, Chapter 176. The required workers' compensation insurance information is the name of the insurance company, the policy number, and the dates of coverage, or the permit to self-insure. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

BUSINESS NAME (Individual name only if no company name used)

LICENSE OR PERMIT NO (if applicable)

DBA (doing business as name) (if applicable)

BUSINESS ADDRESS (PO Box must include street address)

CITY

STATE

ZIP CODE

YOUR LICENSE OR CERTIFICATE WILL NOT BE ISSUED WITHOUT THE FOLLOWING INFORMATION. You must complete number 1, 2 or 3 below.

NUMBER 1 COMPLETE THIS PORTION IF YOU ARE INSURED:

WORKERS' COMPENSATION INSURANCE COMPANY NAME (not the insurance agent)

WORKERS' COMPENSATION INSURANCE POLICY NO.

EFFECTIVE DATE

EXPIRATION DATE

NUMBER 2 COMPLETE THIS PORTION IF SELF-INSURED:

☐ I have attached a copy of the permit to self-insure.

NUMBER 3 COMPLETE THIS PORTION IF EXEMPT:

I am not required to have workers' compensation insurance coverage because:

☐ I have no employees.

☐ I have employees but they are not covered by the workers' compensation law. (See Minn. Stat. § 176.041 for a list of excluded employees.) Explain why your employees are not covered: _____

☐ Other: _____

ALL APPLICANTS COMPLETE THIS PORTION:

I certify that the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify that I am authorized to sign on behalf of the business.

APPLICANT SIGNATURE (mandatory)

TITLE

DATE

NOTE: If your Workers' Compensation policy is cancelled within the license or permit period, you must notify the agency who issued the license or permit by resubmitting this form.

This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.

**RENTAL HOUSING CODE
CITY OF BLOOMINGTON
Adopted 5/5/14 – Effective 5/15/14**

CHAPTER 14

LICENSES AND PERMITS

ARTICLE VIII. RENTAL HOUSING CODE

Division A. General Provisions

SEC. 14.566. PURPOSE AND INTENT.

- (a) The purpose of this Article is to protect the health, safety and general welfare of residents of the City of Bloomington living in dwellings furnished to them through payment of money or services to the owner of the property or designee. The general objectives of this Article include:
 - (1) To maintain a quality of character and stability of rental dwellings.
 - (2) To correct and prevent conditions that adversely affect, or are likely to adversely affect the life, safety, welfare and health of occupants of rental dwellings.
 - (3) To provide minimum standards for cooking, heating and sanitary equipment necessary to the health and safety of the occupants of rental dwellings.
 - (4) To provide minimum standards for light and ventilation necessary for the health and safety of occupants of rental dwellings.
 - (5) To provide minimum space standards to prevent overcrowding.
 - (6) To provide standards for maintenance of rental dwellings to prevent blight and slums.
 - (7) To preserve the value of land and buildings throughout the City.
- (b) The intent of this Article is to establish a permanent mode of protecting and regulating the living conditions of residents of the City who rent dwellings and to provide a means for imposing license fees to help the City defray the costs necessary for housing inspections and enforcement of this Article.
- (c) It is not the City's intent to intrude upon the fair and accepted contractual relationship between tenant and landlord. The City does not intend to intervene as an advocate of either party, or to act as an arbiter, or to be receptive to the complaints from a tenant or landlord not specifically and clearly relevant to the provisions of this Article. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal rights as are available to them without the intervention of the City.

SEC. 14.567. ADOPTED BY REFERENCE.

For the purpose of prescribing regulations governing rental dwellings, the City of Bloomington hereby adopts the 2012 International Property Maintenance Code. Where differences occur between provisions of this Ordinance and the referenced standards, the provisions of this Ordinance apply. A copy of the 2012 International Property Maintenance Code will be maintained on file and available to the public to view upon request in the Community Development Department.

SEC. 14.568. DEFINITIONS.

The following words and terms, when used in this Article have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this Article, which are defined in codes adopted by reference in Sections 14.567 and 15.01, have the meanings ascribed to them as stated in those codes.

Accessory dwelling unit - A secondary dwelling unit that is:

- (a) physically attached to or within a single family dwelling unit;
- (b) subordinate in size to the single family dwelling unit;
- (c) fully separated from the single family dwelling unit by means of a wall or floor, with or without a door;
- (d) uses a separate entrance than the primary dwelling unit; and
- (e) meets the definitional requirements for a Dwelling Unit (cooking, living, sanitary and sleeping facilities) as defined in Section 19.03.

Agent – An employee or other person residing within the seven county metro area appointed by the owner or licensee to receive notices from the City and correct violations.

Boarding house or rooming house - A dwelling unit where lodging with or without meals is provided for compensation and occupied by five (5) or more individuals. See Article V. of Chapter 14 for licensing and inspection requirements for boarding houses under lodging establishments.

Dwelling, multiple-family - A building or portion thereof designed or used for use for residential occupancy by three or more families in separate dwelling units.

Dwelling, single-family - A building designed or used for residential occupancy by one family with or without an approved Accessory Dwelling Unit.

Dwelling, two-family - A building designed or used for residential occupancy by two families in separate dwelling units fully separated by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both units, including both duplexes and double bungalows but not including Accessory Dwelling Units.

Dwelling unit - One or more rooms designed for residential use by a single family that contain cooking, living, sanitary and sleeping facilities and that are physically separated from any other rooms or dwelling units which may be in the same structure.

Family - One or more persons related by blood, marriage or adoption, including foster children, or a group of not more than four persons (excluding personal care attendants, in accordance with Minnesota Statutes, Sections 256B.04, Subdivision 16 and 256B.0625, Subdivision 19a and Minnesota Rules, Rule 9505.0335), occupying a dwelling unit. This definition includes a functional household as defined in this Article of City Code, as well as those persons renting rooms.

Functional Household - A household consisting of the owner of the property or a qualifying relative occupant for homestead purposes in Hennepin County, in addition to three or fewer other persons living and cooking together with a shared kitchen, whether or not they are related by blood, marriage or adoption.

Habitable space - An approved space in a structure used for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Housing Inspector - The Environmental Health Division Manager or designee, and has the same meaning as "Code Official" as used in the International Property Maintenance Code adopted by reference.

Housing with services dwelling unit - A dwelling unit containing cooking, living, sanitary and sleeping facilities physically separated from other dwelling units of a housing with services establishment as defined by Minnesota Statutes 144D.01, Subd. 4 (a). See Article V. of Chapter 14 for licensing and inspection requirements for lodging establishments for housing with services rooms or beds.

Interested Party - Any natural person, partnership, limited partnership, corporation, trust, political subdivision of the state or any other legally recognized organization having legal or equitable interest in the property, including any known lessee or tenant of a rental unit, any known mortgage holder or holder of a secured interest in the property, any known person holding an unrecorded contract for deed, any known mortgagee or vendee in physical possession of the property, any insurer of the property, any agent, operator, firm or corporation responsible for the maintenance or operation of the property.

Issuing Authority - The City of Bloomington Licensing Section.

Owner - The fee title owner of the property as recorded in official records of the state, county or municipality, including the guardian of the estate of any such owner, and the executor or administrator of the estate of such owner if ordered to take possession of the real property by a court or the duly authorized agent of that owner.

Prospective tenant - A person who has completed a written application to rent a particular rental unit owned or managed by the person requesting that a criminal history inquiry be conducted.

Person - Any individual over one year of age.

Rent - Consideration paid for the use of the premises, including, but not limited to money, services, or a combination thereof; or shared housing expenses with persons not part of the homeowner's immediate family.

Rental lease - A written contract between an owner, agent or manager, and a tenant(s), whereby the tenant makes rent payments in order to occupy the dwelling unit or accessory dwelling unit. The rental lease also includes language that relates to the obligations of both parties to the contract and has the same meaning as a rental agreement.

Room - Interior space enclosed by walls or separated from other similar spaces by walls or partitions.

Tenant - A person(s) who rents a dwelling unit or accessory dwelling unit.

Division B. Rental Housing Licensing

SEC. 14.569. LICENSE REQUIRED.

No person will allow to be occupied, let or offered to let to another for occupancy, any dwelling unit unless the owner has first obtained a license or provisional license under the terms of this Article. The practice of pre-leasing new rental construction is exempt from the provisions of this Section.

SEC. 14.570. APPLICABILITY AND EXCEPTIONS.

- (a) The provisions of this Article apply to all rented multiple-family dwelling units, housing with services dwelling units, two-family dwelling units, single dwelling units or an accessory dwelling unit within owner-occupied dwellings, as well as to rented condominiums, townhouses and leasehold cooperative dwelling units, as those terms are defined in Minnesota Statutes, Section 273.124, Subd. 6; Minnesota Statutes, Chapter 515A and 515B; Minnesota Law; and this Article.
- (b) The provisions of this Article do not apply to:
 - (1) Owner-occupied homes.
 - (2) Owner-occupied dwelling units in a cooperative, condominium or townhouse building.
 - (3) Dwelling units occupied by a qualifying relative occupant for homestead purposes in Hennepin County.
 - (4) Rooms rented for up to three persons when the owner or qualifying relative occupant for homestead purposes resides in the single-family dwelling.
 - (5) Lodging establishments such as hotels, motels, boarding houses, kindergarten through grade 12 student dormitories, housing with services rooms or beds, and bed and breakfasts licensed under Section 14.446 of this Code.
 - (6) Hospitals, nursing homes or other institutional beds or rooms used for human habitation where medical and/or mental health treatment services are provided and licensed by state or federal agencies concerning the safety of the users or patients.
 - (7) The City jail, college student dormitories, parsonages, parish houses, nunneries, monasteries, manses and rectories.
 - (8) Residential property that has been sold for contract for deed if the buyer occupies the property and the sale document used to memorialize the sale is a Minnesota uniform conveyancing blank or is recorded with the Hennepin County Recorder's Office and a copy is provided to the City upon request.

SEC. 14.571. APPLICATION FOR LICENSE.

Any owner who desires to rent dwelling units within a multiple-family building(s), a single dwelling unit(s) or accessory dwelling unit(s) within a dwelling unit, must first obtain a license per this Division before doing so. Each license will be issued annually and will expire one year from the date of issuance. An application for renewal of a license and appropriate fee must be filed with the Issuing Authority before the expiration date. Any renewal license application and fee not received before the expiration date is assessed a late fee.

SEC. 14.572. ISSUANCE OF LICENSE.

A license will be issued by the Issuing Authority upon satisfaction of the following conditions:

- (a) The license applicant has completed the rental license application;
- (b) The license applicant has paid the required license fee and any additional fees, if applicable; and
- (c) For all initial license applications, the multiple-family building(s), two-family dwelling units, single-family dwelling unit(s) or accessory dwelling unit(s) must first be inspected by the Housing Inspector and the Housing Inspector finds that the requirements of the Rental Housing Code, City Code, and applicable state laws have been met.

SEC. 14.573. LICENSE FEE.

- (a) The license fee is as set forth in Section 14.03 of this Code.
- (b) No refund of the license fee will be made to a licensee discontinuing operation or who sells, transfers, gives away or otherwise disposes of a licensed building(s) or dwelling unit(s) to another person, firm or corporation.
- (c) A late fee will be assessed for a license application and fee received after the expiration date.

SEC. 14.574. PROVISIONAL LICENSE.

- (a) The Housing Inspector may issue a provisional license to the owner of a rental dwelling who has submitted an application, paid the license fee and the Housing Inspector has conducted an initial inspection resulting in written orders to correct violations that do not prevent occupancy. A provisional license authorizes the continued occupancy of the rental dwelling unit(s) in actual existence, pending issuance of a rental dwelling license. A provisional license is valid for up to 180 days until a license is issued or it is determined that license requirements have not been met and the City will not issue a license.
- (b) The Housing Inspector may change an existing license to a provisional license when the Housing Inspector has conducted an inspection resulting in written orders to correct violations that do not prevent occupancy. A provisional license authorizes the continued occupancy of the rental dwelling unit(s) in actual existence, pending issuance of a rental dwelling license. A provisional license is valid for up to 180 days until a license is issued or it is determined that license requirements have not been met and the City will not issue a license.

SEC. 14.575. RENTAL HISTORY.

The Issuing Authority must consider the applicant's rental property management history when making the determination to issue or renew a rental license. An applicant that has a majority ownership interest or management role in other rental properties that are, or have been in the preceding five years, suspended, revoked or placed in provisional license status, will be ineligible for new or additional rental licenses for a period of five years from the suspension, revocation or issuance of the provisional license. At the end of that five year period of license ineligibility, upon re-application the applicant must demonstrate to the Issuing Authority and the Housing Inspector that the applicant is willing and able to manage the property in a manner that is consistent with the public health, safety and welfare and in compliance with all applicable laws. An applicant who is denied a rental license will receive written notice of the denial, the reasons therefore and the procedure by which the applicant may request a hearing before the City Council pursuant to Section 14.578 of this Article.

SEC. 14.576. LICENSE NOT TRANSFERABLE.

A license issued pursuant to this Article is for the property owner and the premises named on the approved license application. No transfer of a license is permitted from place to place or from the owner to another person or entity without complying with the requirements of an original application, except in the case in which an existing licensee is merely changing a business or corporate name or in the case in which an existing non-corporate licensee is incorporating and the incorporation does not affect the ownership or control of the property or rental business. Every licensee must give notice in writing to the Issuing Authority within three days after having legally transferred or otherwise disposed of the legal control of any licensed rental building(s), dwelling unit(s) or accessory dwelling unit(s). The notice must include the name and address of the person or legal entity succeeding to the ownership or control of such rental building(s), dwelling unit(s) or accessory dwelling unit(s).

SEC. 14.577. OCCUPANCY LIMITS AND NO SUBLETTING.

An owner may adopt standards that reduce the maximum allowed occupancy of a dwelling unit from the standards set forth herein. The maximum permissible occupancy of any licensed rental dwelling unit is determined according to the 2012 International Property Maintenance Code and as follows:

- (a) Not more than one family, except for temporary guests, will occupy a licensed rental dwelling unit.
- (b) No one will lease a licensed rental dwelling unit to more than four unrelated persons.
- (c) Tenants of a licensed rental dwelling unit must not lease or sublet the dwelling unit to another without the prior approval of the property owner.

SEC. 14.578. DENIAL OF LICENSE.

If the Issuing Authority denies a license application, the applicant may file a written appeal with the City Council within ten days of the denial notice and request a hearing before the City Council. The City Council will affirm, modify, or reverse the decision and state the reasons for such action.

The City Council may affirm the decision to deny the license if it finds as follows:

- (a) The Housing Inspector has not been permitted to inspect the premises proposed to be licensed;
- (b) That the license applicant has not met the requirements of the Rental Housing Code, City Code or applicable state laws;
- (c) That granting the license will be inimical to the public health, safety, or general welfare so as to create a public nuisance; or
- (d) The recipient of a provisional license has not corrected violations to the Housing Inspector's satisfaction by the 180-day expiration date.

If an application for a rental license is denied, a written statement specifying the reasons for the denial will be transmitted to the applicant.

SEC. 14.579. DISPLAY OF LICENSE AND AVAILABILITY.

Licenses issued under this Division must be prominently displayed on the interior of the licensed premises such as in a common area of a multiple family building, and produced upon the request of a tenant, prospective tenant, Police Officer or the Housing Inspector.

Division C. Regulations

SEC. 14.580. ADDITIONAL REGULATIONS FOR HEALTH, SAFETY AND MAINTENANCE.

This Division specifically adopts the following additional requirements for health, safety and maintenance to the 2012 International Property Maintenance Code. Where differences occur between provisions of this Division and the referenced standards, the provisions of this Division apply.

- (a) **Agent Required** – Each licensee or owner of a rental dwelling within the City, when the licensee or owner does not reside within the seven county metro area comprising Hennepin, Carver, Scott, Dakota, Ramsey, Washington and Anoka counties, must appoint an agent residing within the seven county area that the City may serve notices pertaining to this Article or the City Code. Notices served to the agent will be as effective as if made upon the licensee or owner. The licensee or owner must provide the Issuing Authority the full name, street address and telephone number of such agent(s). A licensee or owner must provide written notice to the Issuing Authority, with the required information, whenever the agent for a licensed dwelling unit is changed. The written notice must be provided to the Issuing Authority within 48 hours of such change.
- (b) **Defacement of Property and/or Graffiti** – The City will use the requirements and procedures set forth in Section 12 of this Code for defacement of property and/or graffiti.
- (c) **Emergency Numbers** - It is the responsibility of the owner to post, in a conspicuous location within each building, emergency numbers for the police, fire and the owner or agent responsible for the building with authority to take all necessary actions to deal with an emergency. The owner must also post the following information in the licensed rental dwelling or accessory dwelling unit: Housing Inspections, Environmental Health Division, City of Bloomington, (952) 563-8934, Monday-Friday, 8 AM to 4:30 PM and e-mail envhlth@bloomingtonmn.gov.
- (d) **Entry/Exit Doors** – All exterior doors in common areas of multiple family buildings must be self-closing and self-latching.
- (e) **Food Preparation Areas** – All dwelling units must be provided with an approved cooking appliance such as a stove top with an oven, an approved appliance for cold food storage such as a full-sized refrigerator, and an approved kitchen sink. Microwave and toaster-style ovens, dormitory-style refrigerators and bathroom hand washing sinks are not approved kitchen appliances.
- (f) **Garbage and Recycling** –
 - (1) Every multiple-family dwelling, except those with curbside collection services as required in subpart (2) below, must have and maintain in sanitary condition adequate facilities to accommodate the garbage and recycling needs of the dwelling units. Such facilities must consist of containers with tight covers for storage; and the owner of such multiple dwellings is responsible for providing collection service for both garbage and recycled materials in compliance with Chapter 10 of this Code. Further, the garbage and recycling facilities must be in compliance with Chapter 19 and 21 of this Code.
 - (2) Every single-family dwelling or single-family dwelling with a rented accessory dwelling unit must have garbage and recycling curbside collection service with containers with tight covers for storage. The containers must be placed out for collection and stored in compliance with Chapter 10 of this Code.
- (g) **Heat supply** –
 - (1) Every owner of any building who rents one or more dwelling units or an accessory dwelling unit, must furnish a supply of heat to the occupants thereof to maintain a temperature of not less than 68°F (20°C) in all habitable spaces, bathrooms and toilet rooms measured at three feet above the floor near the center of the room, regardless of the heating supply design capacity.
 - (2) Cooking appliances and unapproved portable space heaters must not be used as a means to provide required heating.

- (h) **Housing with Services Dwelling Units** – The Housing Inspector will enforce all applicable regulations of the state lodging code, Minnesota Rules Chapter 4625, as adopted in Section 14.443 of this Code, in addition to the International Property Maintenance Code and this Article, in establishments registered with the Minnesota Department of Health as Housing with Services. See Article V. of Chapter 14 for licensing and inspection requirements for lodging establishments for housing with services rooms or beds.
- (i) **Insect Screens** - At all times every door, window and outside opening required for ventilation of habitable spaces, food preparation and storage spaces must be supplied with approved tight-fitting screens of a minimum 16 mesh per inch and every screen door used for insect control must have a self-closing device in good working condition.
- (j) **Means of Appeal** – The City will use the procedures set forth in Article II. Civil Hearing Process of Section 1 of this Code.
- (k) **Motor Vehicles** – The City will use the requirements and procedures set forth in Section 19.45 of this Code for the regulation of motor vehicles at rental properties.
- (l) **Pest Control** – The owner of the rental dwelling is responsible for providing professional pest control services and must provide written documentation of such services when requested by the Housing Inspector.
- (m) **References** – All references to the International Building, Plumbing and Existing Building codes in the International Property Maintenance Code are replaced with the Minnesota State Building Code.
- (n) **Smoke and Carbon Monoxide Alarms** – The City enforces the requirements for carbon monoxide alarms found in Minnesota Statutes 299F.50 and 299F.51. Smoke and carbon monoxide alarms provided in licensed rental dwelling units must be those designed with a test button that when pressed tests the function of the alarm.
- (o) **Snow Removal** - Snow plowing or snow shoveling must be regularly accomplished to maintain all sidewalks and parking areas in a safe and passable condition.
- (p) **Swimming Pools, Hot tubs and Spas** - The City will use the requirements and procedures set forth in Article V. Food Establishments, Lodging Establishment and Public Pools of Section 14 of this Code for public pools and Section 15, Article VI. of this Code for Private Residential Swimming Pools.
- (q) **Weeds, Tall Grass and Brush** –The City will use the requirements and procedures set forth in Article VI. Weeds and Brush of Chapter 10 of this Code.
- (r) **Zoning** – The City will use the zoning requirements set forth in Chapters 19 and 21 of this Code.

Division D. Crime-Free Rental Housing

SEC. 14.581. PURPOSE.

The City Council finds that repeated police calls to certain rental dwelling units in the City occupied by persons with criminal histories have taxed law enforcement resources. The City Council also finds that persons residing in rental dwelling units who engage in disorderly conduct or cause nuisance conditions create a hostile environment for others living in close proximity, thereby threatening the public safety. In order to preserve and protect the City's neighborhoods and to promote public safety, the City Council enacts this Division of the City Code.

SEC. 14.582. CRIMINAL HISTORY INQUIRIES REQUIRED.

An owner of rental property licensed under this Article must conduct a criminal history inquiry of all prospective tenants and maintain documentation of the inquiry as long as the tenant resides at the property. Documentation of the tenant criminal history inquires such as a receipt demonstrating an inquiry was conducted must be made available for inspection upon request by the Police or the Housing Inspector. Criminal history inquires must include the following:

- (a) A statewide (Minnesota) criminal history check of all prospective tenants covering at least seven years including all misdemeanor, gross misdemeanor and felony convictions; the check must be done utilizing the most recent update of the state criminal history files.
- (b) A statewide criminal history check from the prospective tenant's previous state of residence covering at least seven years including all misdemeanor, gross misdemeanor and felony convictions, if available, if the tenant is moving directly from the previous state.
- (c) A criminal history check of any prospective tenant in their previous states of residence, if available, covering the last seven years including all misdemeanor, gross misdemeanor and felony convictions if they have not resided in Minnesota for seven years or longer.

SEC. 14.583. TENANT REGISTER REQUIRED.

The owner of a rental property licensed under this Article must, as a continuing obligation of the rental license, maintain a current register of tenants and other persons who have a lawful right to occupy a specific licensed dwelling unit within the multiple-family building, two-family building or single-family dwelling. In the rental license application, the applicant must designate the person or persons who will have possession of the register; and must promptly notify the Issuing Authority of any change of the identity, address or telephone numbers of such persons. The register must be available for inspection by the Police or Housing Inspector at all times.

SEC. 14.584. DISORDERLY BEHAVIOR AND NUISANCE CONDITIONS LEASE PROVISIONS REQUIRED.

Owners of rented dwellings or accessory dwelling unit licensed under this Article must only allow occupancy of the dwelling after a written tenant lease of at least 30 days has been signed by both the owner or owner's designee and the tenant(s). All tenant leases must include a Disorderly Behavior and Nuisance Conditions Addendum prohibiting disorderly behavior and nuisance conditions identified in Section 14.585. The Disorderly Behavior and Nuisance Conditions Addendum must be incorporated into every new or renewed lease for a tenancy beginning January 1, 2015.

SEC. 14.585. DISORDERLY BEHAVIOR AND NUISANCE CONDITIONS AT LICENSED RENTAL DWELLINGS.

- (a) It is the owner's responsibility to ensure the tenants, the tenant's family members and the guests of any tenant or tenant's family member do not engage in disorderly behavior or create nuisance conditions in the rental dwelling unit. For the purposes of this section, rental dwelling unit includes the unit the tenant, family member or guest occupy and the common areas in and outside of the building where the rental dwelling unit is located.
- (b) For the purposes of this section, disorderly behavior and nuisance conditions may include, but are not limited to, the following:
 - (1) Drug-related illegal activity in the rental dwelling unit. Drug-related illegal activity means the illegal possession or constructive possession, manufacture, sale, distribution, purchase, use or possession with intent to manufacture, sell or distribute a controlled substance as defined in the Controlled Substance Act [21 U.S.C. 802], or possession of drug paraphernalia per Minnesota Statutes 152.092.
 - (2) Acts of violence or threats of violence including, but not limited to, discharge of firearms, prostitution, intimidation or any other act that otherwise jeopardizes the health, safety or welfare of the owner, manager, agent, other tenants, tenant's family members, guests or neighboring property owners.
 - (3) Violation of Minnesota Statute, Section 609.72. (Disorderly Conduct)
 - (4) Violation of Minnesota Statutes 609.66, Subd.1a, 609.67 or 624.713. (Unlawful use or possession of a firearm or weapon)
 - (5) Violation of Minnesota Statute 609.50. (Obstructing Legal Process)
 - (6) Violation of Minnesota Statutes 609.74 and 609.745. (Public Nuisance)
 - (7) Violation of Minnesota Statutes 145A.02, Subd. 17. (Public Health Nuisance)
 - (8) Violation of Bloomington City Code, Section 10.30. (Nuisance Noise)
 - (9) Violation of Bloomington City Code, Section 12.03 Public Nuisances: (5) storage of dangerous substances; (18) clandestine lab; (19) improper sewage disposal; (22) animal carcasses; to include, but not limited to (23), (24), (25) and (26) for grossly unsanitary dwellings; and (27) infestations of vermin.
 - (10) Violation of Bloomington City Code, Section 12.13-12.14. (Unlawful gatherings and Disorderly House)
 - (11) Violation of Bloomington City Code, Section 12.36. (Firearms and Weapons)
 - (12) Violation of Bloomington City Code, Section 12.89.01. (Social Host)
- (c) For the purposes of verifying instances of disorderly conduct in violation of this Section, the following are exceptions:
 - (1) An "emergency call," within the definition of Minnesota Statutes Section 609.78, Subd. 3, will not be considered an instance of disorderly behavior for purposes of determining whether a license will be denied, suspended, non-renewed or revoked where the victim and suspect are "Family or household members" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B 01, Subd.2 (b) and where there is a report of "Domestic Abuse" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B 01, Subd. 2 (a).
 - (2) An "emergency call," within the definition of Minnesota Statutes Section 609.78, Subd. 3, will not be considered an instance of disorderly behavior for purposes of determining whether a license will be

denied, suspended, non-renewed or revoked where the call is a result of a tenant, a member of a tenant's household, or guest taking action to seek emergency assistance that is protected by Minnesota State Statute 504B.205, Residential tenant's right to seek police and emergency assistance.

SEC. 14.586. DISORDERLY BEHAVIOR AND NUISANCE CONDITIONS VIOLATION NOTICES.

- (a) First Instance. Upon determination by the Police or Housing Inspector that a rental dwelling unit was the location of disorderly behavior or nuisance conditions in violation of this Division, the Police or Housing Inspector will notify by first class mail the owner and tenant of the violation and direct the owner to take steps to prevent further disorderly behavior or nuisance conditions. Civil fines may also be issued.
- (b) Second Instance. If a second instance of disorderly behavior or nuisance conditions occurs at a rental dwelling unit within 24 months after the first instance of disorderly behavior or nuisance conditions at the same unit for the same tenant(s) or guest(s) of the same tenant(s), the Police or Housing Inspector will notify by first class mail the owner and tenant of the violation and direct the owner to submit, within ten days of the date of the notice, a written report of all actions taken by the owner since the violation notice and actions he/she intends to take to prevent further disorderly behavior or nuisance conditions. Civil fines may also be issued.
- (c) Third Instance. If a third instance of disorderly behavior or nuisance conditions occurs at a rental dwelling unit within 24 months after the second notice of disorderly behavior or nuisance conditions at the same unit for the same tenant(s) or guest(s) of the same tenant(s), the rental dwelling unit license may be revoked, suspended or not renewed by the City Council upon the recommendation of the Police or Housing Inspector. The Police or Housing Inspector makes the decision to recommend revocation, suspension or non-renewal of the license and submit the recommendation to the City Council within 15 days of the third instance of disorderly behavior or nuisance conditions. Civil fines may also be issued.

SEC. 14.587. POSTPONING LICENSE ACTIONS.

No adverse license action will be imposed where the instance of disorderly behavior or nuisance conditions occurred during pending eviction proceedings or within 30 days of notice given by the owner to a tenant to vacate the rental dwelling unit. However, adverse license action may proceed when the owner fails to diligently pursue the eviction process. Further, an action to deny, revoke, suspend or not renew a license based upon violations of this Division may be postponed or discontinued at any time if the owner has taken appropriate measures, which will prevent further instances of disorderly behavior and nuisance conditions, which may include a failed eviction process.

SEC. 14.588. DETERMINING DISORDERLY BEHAVIOR OR NUISANCE CONDITIONS.

A determination that the rental dwelling unit has been the location of disorderly behavior or nuisance conditions is based upon a preponderance of the evidence and is not dependent upon the filing or conviction of criminal charges. Civil enforcement actions provided in this Division are non-exclusive. Nothing in this Division may be construed to limit the City's other available legal remedies for any violation of the law, including without limitation, license sanctions, criminal, civil and injunctive actions. In addition, violations or failure to pay civil fines may result in future license ineligibility.

Division E. Inspections and Enforcement

SEC. 14.589. SANCTIONS AND PENALTIES.

- (a) **License Suspension or Revocation.** Any license granted pursuant to this Division may be suspended or revoked for cause upon reasonable notice and hearing before the City Council. Grounds for suspension or revocation of the license include, but are not be limited to:
 - (1) Any violation of City Code or applicable state laws, rules or regulations or failure to permit a required inspection by the City;
 - (2) Fraud, misrepresentation, or false statement contained in a license application;
 - (3) Fraud, misrepresentation, or false statement made in the course of carrying on the licensed rental property business;
 - (4) A licensee's criminal conviction that is directly related to the licensed activity as defined by Minnesota Statutes, Section 364.03, subd. 2, provided that the licensee cannot show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed activity as defined by Minnesota Statutes, Section 364.03, subd. 3;

- (5) Conducting the licensed rental business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the community; or
 - (6) Failure to pay any civil penalty or nuisance service call fee issued pursuant to Sections 1.13 and 12.15 of this Code and/or City water utilities per Section 11.07 of this City Code.
- (b) **Notice and Hearing.** No revocation or suspension will take effect until the City Council or an administrative law judge appointed by the City Council, conducts a hearing on the matter preceded by written notice to the licensee. The notice will give at least eight days' notice of the time and place of the hearing and will state the nature of the charges against the licensee. The notice will be mailed by regular mail to the licensee at the most recent address listed on the license application. If the hearing is conducted by an administrative law judge, that appointee must keep a taped transcript of the hearing and will provide to the City Council copies of all exhibits, memoranda and materials submitted, minutes of the hearing and a copy of the administrative law judge's recommendation and the findings of fact and conclusions of law serving as a basis for the recommendation. Any fees associated with the administrative law judge review will be shared equally between the City and the licensee. The City Council will make the final decision to revoke or suspend the license based upon the entire record.
- (c) **Additional Civil and Criminal Penalties.** A violation of this Article is a misdemeanor under Minnesota law. In addition, civil penalties may be issued pursuant to City Code Sections 1.10 through 1.19, of up to \$2,000.00 per offense, which if left unpaid is subject to assessment against the real property subject to this license. Failure to pay civil fines or penalties may result in future license ineligibility. Nothing in this Division may be construed to limit the City's other available legal remedies for any violation of law.

SEC. 14.590. POSTING TO PREVENT OCCUPANCY.

Whenever any rental dwelling unit has no license; has been denied an initial license; had its license revoked, suspended, denied, or not renewed; or the unit has been condemned as unfit for occupancy, the unit will be posted by the Housing Inspector to prevent further occupancy. No person, other than the Housing Inspector, may remove or alter any posting. The Housing Inspector will post the date the rental dwelling unit must be vacated and no person may reside in, occupy or cause to be occupied that rental dwelling unit until the Housing inspector permits it.

SEC. 14.591. INSPECTIONS.

The Issuing Authority, Police Department and Housing Inspector are authorized as a condition of licensure to make inspections and examinations of the licensed dwelling unit(s) and common areas as are reasonably necessary for the enforcement of this Article of the City Code. The owner is responsible for notifying the tenants and obtaining consent to enter their units for inspections. The owner and tenants must facilitate access to all portions of the licensed premises at any reasonable time for the purpose of inspection and must exhibit and facilitate copying of any records deemed necessary by the Issuing Authority, Police Department or Housing Inspector to ascertain compliance with this Article of City Code and for public health and safety. The owner or agent must be available for discussion of conditions during the inspection. No person may interfere with or hinder the Issuing Authority, Police Department or Housing Inspector in the performance of their duties or refuse to permit inspections under this Article. The Issuing Authority or Housing Inspector notifies the owner or agent of the licensed rental dwelling or accessory dwelling unit in writing of any violations. The notice directs that compliance be made by a specified date, subject to extension by the Housing Inspector based on good cause. The failure to remove or correct each noted violation in the notice within the time period noted constitutes a separate violation for each day the violation continues to exist.

SEC. 14.592. ENFORCEMENT AND REINSPECTION FEES.

If the Housing Inspector determines that the licensed rental dwelling or accessory dwelling unit violates any requirements of this Article or any other Article, Division or Section of this Code or applicable state laws, the Housing Inspector provides written notice to the owner and/or agent of the licensed rental dwelling or accessory dwelling unit in violation stating the nature of the violations and a deadline for correcting the violations. If upon reinspection of the licensed premises it is determined that compliance with the notice to correct conditions was not achieved and that a second follow-up inspection is necessary, the Housing Inspector will issue a civil citation in the amount of the reinspection fee as set forth in the City's civil fine schedule. Failure to pay the fee will result in a late fee subject to assessment pursuant to Section 1.19 of this City Code. The Housing Inspector may issue orders to correct conditions followed by an administrative citation pursuant to Sections 1.10 through 1.19 of this City Code to the owner and/or agent of the property in violation. In addition, the City may initiate appropriate civil and/or criminal actions upon failure of an owner to correct any violation of the City Code or applicable state laws, rules or regulations. Failure to pay outstanding civil fines or fees may result in future license ineligibility.

SEC. 14.593. SELF INSPECTION.

Owners of licensed rental property must have a self inspection procedure with written documentation of inspections completed as evidence of maintenance and safety inspections for all units occurring before a new tenant moves in, when an existing tenant moves out and at least once every twelve months at a minimum. In addition, owners of licensed rental multiple-family buildings must have in place a preventative maintenance program to include a self inspection procedure with written documentation of inspections completed as evidence of maintenance, cleaning and safety inspections occurring at a minimum of once a week for common areas of the interior and exterior of the property.

SEC. 14.594. PENALTIES AND SEVERABILITY.

Unless otherwise specifically noted herein, a violation of any provision of this Article of the Code is a misdemeanor under Minnesota law. In addition, the provisions of this Article are subject to enforcement by administrative citations and subject to civil fines pursuant to the Civil Hearing Process set forth in Chapter 1, Article II of this Code, as well as by civil district court action. If any section, subsection, sentence, clause or phrase of this Article is for any reason held to be invalid, such decision will not affect the validity of the remaining portions of this Article. The City Council hereby declares that it would have adopted the Article in each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Example language for Bloomington, MN Disorderly Behavior and Nuisance Conditions
Rental Housing lease addendum

Example of language to be included into each new or renewed lease, or provided as a separate addendum, beginning January 1, 2015:

- (1) Tenant, any members of the tenant's household or a guest or other person affiliated with tenant shall not engage in criminal activity, including drug-related criminal activity, on or near the premises;
- (2) Tenant, any members of the tenant's household or a guest or other person affiliated with tenant shall not engage in any act intended to facilitate criminal activity, including drug related criminal activity, on or near the premises;
- (3) Tenant or members of the household will not permit the dwelling unit to be used for, or to facilitate criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest;
- (4) Tenant, any members of the tenant's household or a guest, or other person affiliated with the tenant shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance at any locations, whether on or near the premises or otherwise;
- (5) Tenant, any members of the tenant's household or a guest or other person affiliated with tenant shall not cause or permit to exist, on or near the property, a public health nuisance per MS 145A.02, public nuisance per MS 609.74 and 609.745, or other public nuisance conditions per Bloomington City Code Sections 10.30 and 12.03, including, but not limited to, prohibited noise, storage of dangerous substances, clandestine lab, improper sewage disposal, animal carcasses, grossly unsanitary conditions, and infestations of vermin; and
- (6) The crime-free/drug-free/nuisance-free provisions are in addition to all other terms of the lease and do not limit or replace any other provisions.

Violation of crime-free/drug-free/nuisance-free addendum: Violation of the above provision shall be a material and irreparable violation of the lease and good cause for immediate termination of tenancy. Additional information on this requirement is detailed in the City of Bloomington Code, Chapter 14, Article VIII Rental Housing Code, Division D. Crime-Free Rental Housing.